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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Freyman *et al.* Confirmation No.: 5795
Application No.: 10/622,293 Art Unit: 1633
Filed: July 17, 2003 Examiner: Quang Nguyen
For: DECELLULARIZED Attorney Docket No.: 10177-118-999
EXTRACELLULAR MATRIX OF
CONDITIONED BODY TISSUES
AND USES THEREOF

RESPONSE TO NOTICE TO COMPLY

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In a Notice to Comply mailed January 8, 2007 in connection with the above-identified application, the Examiner alleges that the specification fails to comply with the requirements for patent applications containing amino acid and nucleotide sequence disclosures because the tripeptide RGD on pages 8, 13, 19, 21 and 37 of the specification and the sequence dextrophenylalanine proline arginine chloromethylketone on page 40 of the specification were not assigned with SEQ ID Nos.

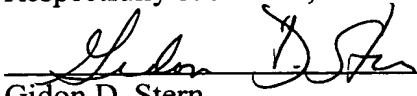
In response, Applicants submits that the sequence listing requirements under 37 C.F.R. § 1.821 do not apply to the tripeptide RGD and the sequence dextrophenylalanine proline arginine chloromethylketone disclosed in the present specification. Specifically, 37 C.F.R. § 1.821(a) states that “[s]equences with *fewer than four* specifically defined nucleotides or amino acids are specifically excluded from this section.” (emphasis added). Applicants respectfully submit that both the tripeptide RGD and the sequence dextrophenylalanine proline arginine chloromethylketone disclosed in the present specification are with fewer than four specifically defined amino acids, and thus, a sequence listing need not be submitted in this application for these sequences.

Appl. No. 10/622,293
Reply dated Jan. 25, 2007
Reply to Notice to Comply mailed Jan. 8, 2007

For the foregoing reasons, Applicants respectfully submit that the Notice to Comply was issued in error and should be withdrawn. Applicants submit that this reply is timely filed and no fee is believed to be due. In the event that the United States Patent and Trademark Office determines that a fee is required, please charge the required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: January 25, 2007


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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO. 10/622,293	FILING DATE 07/17/2003	FIRST NAMED INVENTOR Freyman et al.	ATTORNEY DOCKET NO. 10177-118-999
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EXAMINER

Quang Nguyen

ART UNIT

PAPER

1633

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice To Comply

*With Requirements For Patent Applications Containing Nucleotide Sequence
And/Or Amino Acid Sequence Disclosures.*

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Specifically the application fails to comply with CFR 1.821(d), which states:

(d) Where the description or claims of a patent application discuss a sequence that is set forth in the "Sequence Listing" in accordance with paragraph (c) of this section, reference must be made to the sequence by use of the sequence identifier, preceded by "SEQ ID NO: " in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims of the patent application (see MPEP 2422.03).

For compliance with sequence rules, it is necessary to include the sequence in the "Sequence Listing" and identify them with SEQ ID NO. In general, any sequence that is disclosed and/or claimed as a sequence, i.e., as a string of particular bases or amino acids, and that otherwise meets the criteria of 37 CFR 1.821(a), must be set forth in the "Sequence Listing." (see MPEP 2422.03).

The instant specification fails to comply with the requirements for patent applications containing amino acid and nucleotide sequence disclosures because at least the tripeptide RGD on page 8 (line 3), on page 13 (line 24), on page 19 (line 17), on page 21 (line 13), on page 37 (line 7) and the sequence dextrophenylalanine proline arginine chloromethylketone on page 40 (line 30) were not assigned with SEQ ID Nos. Applicants have also not filed a sequence listing for these peptide sequences in a paper format and in a CRF.

For the response to this office action to be complete, Applicants are required to comply with the Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the SIX MONTHS statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang Nguyen, Ph.D., whose telephone number is (571) 272-0776. If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Joseph T. Woitach, Ph.D., may be reached at (571) 272-0739.


QUANG NGUYEN, PH.D.
PATENT EXAMINER